



## **CITY OF NEWPORT BEACH ENVIRONMENTAL QUALITY AFFAIRS COMMITTEE**

**DATE/TIME: Monday, January 9, 2006 - 7:00 p.m.**

**LOCATION: Police Department Auditorium  
870 Santa Barbara Drive**

Roll Call

1. Minutes of December 19, 2005 (*draft minutes attached*)
2. Report from Subcommittee on Draft EIR for Michelson Water Reclamation Plant Capacity Phase 2 and 3 Expansion Project, Irvine Ranch Water District (*attachment*)
3. Discussion of meeting attendance (*attachment*)
4. Report from EQAC Representative to GPUC
5. Report from EQAC Members on GPAC
6. Economic Development Committee (EDC) Representative's Report
7. Report from Staff on Current Projects
8. Public Comments
9. Future Agenda Items
10. Adjournment

***NEXT MEETING DATE: February 13, 2006 (2<sup>nd</sup> Monday)***

\*Attachments can be found on the City's website <http://www.city.newport-beach.ca.us>. Once there, click on **City Council**, then scroll to and click on **Agendas and Minutes** then scroll to and click on **Environmental Quality Affairs**. If attachment is not on the web page, it is also available in the City of Newport Beach Planning Department, 3300 Newport Boulevard, Building C, 2<sup>nd</sup> Floor.



## CITY OF NEWPORT BEACH ENVIRONMENTAL QUALITY AFFAIRS COMMITTEE

### DRAFT MINUTES 12-19-05

Draft minutes of the Environmental Quality Affairs Committee held at the City of Newport Beach Police Department Auditorium, 870 Santa Barbara Drive, on **Monday, December 19, 2005**.

#### Members Present:

X	Steve Rosansky, Council Member		Walter Lazicki -EXC
X	Richard Nichols, Council Member	X	Sandra Haskell
X	Cris Trapp, Chairperson		Barry Allen - <i>Absent</i>
X	Dolores Otting, Vice Chair	X	Kristine Adams
X	Jeannette Thomas	X	Marianne Zippi
X	Matt Wiley		Tom Hyans – <i>Sick Leave</i>
X	Christopher Welsh	X	Jack Wu
X	Mike Browning		Jennifer Winn - <i>Absent</i>
X	Brent Cooper	X	Ray Halowski
	Laura Dietz - <i>Absent</i>	X	Carol Mentor McDermott
X	Kenneth Drellishak	X	Barbara Thibault
	Adam Boettner - <i>Resigned</i>		Merritt Van Sant - <i>Absent</i>
X	Laura Curran		

#### Staff Representatives:

#### Guests Present:

X	Assistant City Manager Sharon Wood	Norris Brandt, Steve Malloy and Richard Diamond of IRWD, Peter Quinlan and John Porteous of Dudek & Associates, Planning Commissioners Robert Hawkins and Barry Eaton
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Chairperson Cris Trapp called the meeting to order at approximately 7:10 p.m.

Chairperson Cris Trapp announced the resignation of Carol Mentor McDermott and thanked her for her years of service on EQAC.

Chairperson Cris Trapp added item 2A to the agenda, a case study of DEIR comments, for which material was included in the agenda packets.

1. Minutes of November 21, 2005

**Motion:** Ray Halowski moved to approve the minutes as corrected.  
Sandra Haskell seconded the motion.

**Motion passed unanimously**

2. Presentation on Michelson Water Reclamation Plant Capacity Expansion Project, Irvine Ranch Water District.

Norris Brandt and Steve Malloy, of the Irvine Ranch Water District, and Peter Quinlan and John Porteous of Dudek & Associates gave a presentation on the background of IRWD, recycled water, the Michelson project and the DEIR. They also responded to questions from members of the Committee.

#### 2A. Case Study of Comments on DEIR

Chairperson Cris Trapp reviewed materials regarding the Orange County Sanitation District Newport Trunk Sewer project as an example for DEIR review. Planning Commissioners Hawkins and Eaton commented from their experiences as members of EQAC and the Planning Commission.

3. Report from EQAC Members on GPUC –

No Report

4. Report from EQAC Members on GPAC –

Sharon Wood reported that GPAC, as well as the Planning Commission and City Council, have reviewed drafts of the Natural Resources, Safety, Recreation, Land Use, and Circulation Elements of the updated General Plan. In January and February they will review the Housing and Noise Elements.

5. Economic Development Committee (EDC) Representative's Report –

Chairperson Trapp reported that the December meeting was cancelled.

6. Report from staff on Current Projects –

No Report

7. Public Comments –

None

8. Future Agenda Items -

Staff discussion of codes and standard conditions of approval.

9. Adjournment -

The meeting was adjourned at approximately 8.59 p.m.

# MEMORANDUM

# DRAFT

**To:** Mayor Don Webb and Members of the City Council  
City of Newport Beach

**Cc:** Homer Bludau, City Manager

**From:** Orange County Sanitation District Subcommittee ("EQAC")  
City of Newport Beach

**Subject:** **Irvine Ranch Water District Draft Environmental Impact Report for the Michelson Water Reclamation Expansion Project**

**Date:** January 9, 2006

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Thank you for the opportunity to comment on the Draft Environmental Impact Report ("DEIR") for the Irvine Ranch Water District's ("IRWD") Michelson Water Reclamation Expansion Project (the "Project").

We wish to thank Mr. Norris Brandt and the other IRWD staff members, as well as members of the consulting team that prepared the DEIR, who made an extensive presentation to EQAC at its December 19, 2005 meeting. We thank them for their input.

EQAC's comments are as follows:

## **Executive Summary**

"ES.6.1 Hydrology and Water Quality" (page ES-5): In the "Issues" paragraph, the preparers failed to acknowledge major concerns raised by the University of California Natural Reserve System ("UCNRS") regarding subsidence of the marsh in the area of Campus Drive and the increased depth of ground water resources which negatively affects natural habitats in the marsh (See Appendix A, UCI letter dated June 30, 2005). Impacts of the Project on these issues and others raised in the referenced letter should be analyzed as a part of the final EIR, since they affect the viability of the entire marsh and habitat.

## **3.0 Project Description**

"Reclaimed Water Pumping" (page 3-11): The DEIR states that three 9 million gallons per day ("mgd") pumps will be added to increase capacity to 33 mgd. However, no information is given about how the additional 15 mgd capacity will be distributed to users. Are new transmission pipes and/or intermediate pumping stations needed? If so, where will they be placed and what environmental impact is expected? These questions need to be fully addressed in the final EIR.

“3.6 Environmental Commitments Incorporated into the Project” (page 3-14): In Appendix A, County of Orange letter dated July 1, 2005 suggests items which the County considers important enough to be included in the EIR. Please include responses to the following County of Orange issues raised in the referenced letter in the final EIR:

2. The NOP refers several times to San Diego Creek Channel’s “baseline condition.” The NOP should define what it means by the term “baseline condition”. The NOP appears to suggest or may mislead the reader into thinking that if OCFCD restores F05 to its “baseline condition” that the potential for flooding of the MWRP will be alleviated.

5. No adverse impacts or worsening of existing conditions would result to County and OCFCD facilities as a result of MWRP expansion project. MWRP should analyze impacts and propose mitigation measures in consultation with County’s Flood Control Division to ensure flooding potential is not worsened, floodplains and flooding problems are not shifted elsewhere and erosion is not caused by the proposed project.

8. An anti-terrorism element should be incorporated into the design of the treatment plant expansion and this should be discussed in the EIR. Terrorist event or internal sabotage could result in the release of millions of gallons a day of sewage to upper Newport bay.

#### **4.0 Environmental Analysis**

##### **4.2 Hydrology and Water Quality**

“Table 4.2-2” (page 4.2-5): The final EIR should confirm that the numbers in the Table are correct. It would seem that the year average concentrations should be between the values for wet and dry seasons. Example: see Total Nitrogen (mg/l), year maximum and minimum.

“NPDES Permit” (page 4.2-22, 3, 4): The text at the bottom of page 4.2-23 refers to a requirement to meet Total Dissolved Solids (“TDS”) concentrations in the water delivered from the MWRP. It shows that the current facility meets the requirement, by a small margin, according to the “latest recycled water report.” However, it goes on to imply that introduction of differing source waters in the future could prevent MWRP from meeting the NPDES permit requirements. The final EIR should fully analyze this potential impact and provide necessary mitigation to assure that permit requirements will be met.

“Nutrients” (page 4.2-26). It is unclear from the text and Table 4.2-12 whether

any nutrient effluent requirements in this proposed Project related to TMDLs. In fact, computations based on Table 4.2-1 and 4.2-2 could lead to the conclusion that the Total Nitrogen Daily Load requirement in 2012 on Table 4.2-12 is unachievable. Is that true? If not, a simple calculation of the San Diego Creek contribution to Total Nitrogen Load and the MWRP contribution would be essential. Why not do these calculations and present the results in clear tables with consistent units (acre-ft/yr, gals/yr, lbs, cf/s, mg/l).

“Impact H-4” (page 4.2-31): The DEIR states that “no discernible draw down (in the water level) in the San Joaquin Marsh mitigation area or underneath the ponds due to the current dewatering program of MWRP has been identified.” However, the UCNRS Communication in response to the NOP/IS states that subsidence is occurring in that area. The final EIR should address this situation, and provide evidence to assure that MWRP operations will not lead to further subsidence.

“Impact H-8” (page 4.2-37): The DEIR asserts, without proof, that the increased storm runoff due to added impervious surfaces will be more than offset by the fact that such runoff water will be pumped to the plant headworks and treated as part of the reclamation process. This assertion needs clarification. What is the additional runoff volume due to the 25-year frequency, a 24-hour duration storm, and how does that compare with the increased facility capacity?

“4.2.6 Non-Regulated Pollutants Carried by Tertiary Treated Wastewater” (page 4.2-41): This is an informative exposition of the unresolved problems associated with the detection and mitigation of pharmaceuticals and personal care products in wastewater. Those sections are well written and useful as background, but there are currently no regulatory guidelines to follow. Since some of these pollutants could eventually prove to be problematical, it would be appropriate if IRWD/MWRP would agree to participate in one or more state-of-the-art research programs in this area. In this way, IRWD would be most prepared to take future corrective action regarding identified dangerous pollutants in this category.

#### 4.3 Biological Resources:

Mitigation Measure for Direct Impacts to Sensitive Wildlife: The issue is the removal of the 1.2 acres of eucalyptus, which will directly impact nesting raptors. Removing the trees outside of their breeding season would only be a short-term solution. As part of IRWD’s mitigation measures, should consider the establishment a buffer around the nesting sites.

#### 4.3.3.2 Impact Analysis

Impact BIO-10: The last paragraph of this section is troubling. Should some standards for determining the ecological impact of EDC's be adopted?

#### 4.3.4 Mitigation Measures

BIO-1: The measure does not address the diminishment, if any, in the number of remaining nesting sites after the eucalyptus trees are removed. Are there enough alternative nesting sites? Should IRWD be required to replace or relocate the trees?

BIO-2a: Avoiding is not the same as eliminating. The mitigation measure should be that no construction occur between 12/15 and 9/15. All of these measures should be directed by a qualified biologist.

BIO-2b: Mitigation Measure #2 indicates migration as a solution. Do these birds migrate? In Mitigation Measure #3, barriers should only be erected if their installation itself will not cause undue disturbance to the species. Also, is 500 feet based on some accepted standard? If so this is not indicated.

BIO-3: Shouldn't construction be limited to daytime unless absolutely necessary and lighting restricted to within the site and at low level only? Also, is 60dBA based on some accepted standard? If so, this is not indicated.

#### 4.6 Noise:

The main issue of concern is the Reclaimed Water Pumping, and the additional three 930 HP pumps, which would add to the noise by approximately five dB, assuming that the existing sound wall has no attenuation. The assumption that the wall may not weaken over time may not be a good one to have, so perhaps reinforcement of the wall to extend the life of the sound wall may be in order.

##### 4.6.2.2 Noise Setting

In the paragraph entitled Ambient Noise Monitoring, the report indicates that measurements were made 7:00 to 11:00 AM. This measurement period should be extended to sample other times of the day and night to include hours that the proposed construction and improvements will be in operation.

The affects of sound on Biological Resources at critical times for the affected species should be addressed. For example, if the sound level is lower at night, but this is a critical breeding time for a particular species, this should be fully

analyzed in the final EIR.

#### 4.7 Geology and Soils

“Mitigation Measure G-5a” (page 4.7-10): UCI has notified IRWD that there has been up to 14 inches subsidence of Campus Drive since construction of MWRP. It is suspected that this subsidence results, at least partially, from the dewatering operations at the site. However, additional dewatering is proposed, and no mention is made of the potential future impact on Campus Drive or other structures located near, but not within, the Project boundaries. This mitigation measure should be strengthened to deal with the original objection regarding subsidence of Campus Drive.

#### **5.0 Cumulative Impacts**

The DEIR concentrates on the cumulative impacts of “projects for which applications have been submitted as well as projects that may foreseeably have impacts that would cumulate with those of the Proposed Project ...” The study area for cumulative impacts includes the San Diego Creek Watershed.

However, our comments focus on the cumulative growth inducing impacts that the proposed Project may have. In 2004, IRWD expanded its storage capacity for recycled water with the expansion of the San Joaquin Reservoir. The cumulative effect of the expanded capacity at San Joaquin Reservoir, combined with the proposed Project, which increases the production of recycled water, will free up substantial quantities of potable water. The DEIR makes no attempt to analyze and, if necessary, mitigate such impacts.

The potential impacts associated with the expansion of the San Joaquin Reservoir combined with the expansion of the Michelson facility should be analyzed to evaluate the long term and cumulative impacts of the proposed Project on the District’s Non-Potable Water Supply System. Piecemeal EIRs, according to CEQA, are illegal. The CEQA Guidelines provide that a “project” means “the whole of the action” which has the potential for resulting in “either direct physical change or a reasonably foreseeable indirect physical change in the environment.” (CEQA Guidelines, Section 15378)

The final EIR should fully analyze the combined environmental impacts of the expansion of the San Joaquin Reservoir and the expansion of the Michelson facility.

#### **6.0 Growth Inducement**

The Executive Summary states that a Project Objective is to maximize freshwater availability for wildlife needs and resources uses such as agriculture. The DEIR Introduction states: “IRWD has developed water supplies that include: high quality and



impaired quality (treated) local groundwater, surface water captured in local reservoirs, treated and untreated imported water provided through the Metropolitan Water District of Southern California (MWD) and tertiary treated recycled water.” In expanding IRWD’s recycled water production capability, the proposed Project will free up potable water supplies, which will affect growth in the area.

The DEIR states that “(g)rowth-inducing factors in Orange County are primarily related to availability of buildable land and adequate infrastructure to support growth in new areas.” However, in the arid Southern California climate, water availability affects land use decisions. Development entitlements are conditioned upon a showing of such availability.

Since 2001, with the passage of two laws linking development to water supply, project applicants in California have been required to obtain written confirmation from water suppliers that sufficient water will be available prior to developing a project. The laws apply to residential, commercial, office, hotel, industrial and mixed-use projects that meet certain thresholds. For residential developments, the threshold is the water demand equal to or greater than the amount of water demanded by a 500 dwelling unit project.

The additional availability of potable water supplies that will result from the proposed Project has the potential to lead to a greater level of development in the areas where there is available buildable land in Orange County.

The final EIR should fully analyze the potential growth-inducing impacts of the proposed Project.

### **Conclusion**

Thank you again for the opportunity to comment on the DEIR for the Project. We hope that these comments will assist IRWD in the final EIR and the final Project.

**\* EQAC ATTENDANCE RECORD - 2005**

NAME	**DATE APPOINTED	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
TRAPP		P	P	P	<b>C A N C E L L E D</b>	P	<b>C A N C E L L E D</b>	P	P	<b>C A N C E L L E D</b>	<b>C A N C E L L E D</b>	P	P
ADAMS		P		P		A		A	E			P	P
ALLEN		A	P	P		P		E	A			P	A
BOETTNER	June-05							E	P			R	R
BROWNING		P	P	P		P		P	P			P	P
CHABRE		A		R		R		R	R			R	R
COOPER	April-03	P	E	E		P			A			P	P
CURRAN	September-05											E	P
DIETZ		E	P	A		E			A			A	A
DRELLISHAK	February-04	P	E	P		P		P	P			P	P
EASTMOND	March-04	A		R		R		R	R			R	R
HALOWSKI		P	P	P		P		P	P			P	P
HASKELL	November-03	E	P	P		P		P	P			P	P
HYANS		E	E	E		E		E	E			E	E
LAZICKI	April-04	P	P	P		P		P	E			P	E
LUGAR		P	P	P		E		P	R			R	R
MCDERMOTT		P	P	P		E		E	E			P	P
OTTING	March-03	P	P	E		P		P	E			P	P
THIBAUT		P	P	P		P		P	P			P	P
THOMAS		P	P	A		P		P	P			E	P
VAN SANT	April-04	A	P	P		P		E	P			A	A
WELSH		P	E	E		E		A	P			E	P
WILEY	August-04	P	E	A		P		E	E			P	P
WINN		A	P	P		A		P	A			A	A
WU	March-05					E		P	A			P	P
ZIPPI	March-05					P		P	P			P	P

**NOTE:** This attendance record applies only to current members of EQAC

**P=**present

**R=**resigned

**A=**absent

**PM=**potential member

**E=**excused